UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,240	12/28/2001	Seong Jin Jo	LT-0009	5026

34610 7590 02/09/2005

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

EXAMINER	
BAYAT, BRADLEY B	
ART UNIT	**PAPER NUMBER**
3621	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,240	JO, SEONG JIN	
	Examiner	Art Unit	
	Bradley Bayat	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-29 are presented for examination on the merits.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

In the present case, claim1 only recites an abstract idea. The recited steps of merely obtaining information about a customer and usage information for calculating a charge do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of determining a usage charge based on the data. The mere recitation of transferring such charge in a communication channel does not render the claim to be statutory.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 1 is deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 states, "sending a for use of the appliance after each use of the appliance to a corresponding subscriber." The examiner cannot determine the nature of this claim; the applicant particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasajima et al. (hereinafter Kasajima), US 2002/0007304 A1.

As per the following claims, Kasajima discloses:

1. A method of managing use of an appliance, comprising: receiving information on a use of the appliance through a communication network; calculating a charge for the use of the appliance based on the received use information; and transmitting the calculated charge to a user's terminal through the communication network (¶10-20; 130-134).

2. The method of claim 1, wherein said appliance is a washing machine (¶37).

3. The method of claim 2, wherein said received use information for calculating a charge includes at least one of a type of washing machine, a load capacity of the washing machine, a motor type of the washing machine, an amount of clothes to be washed, a selected washing course program, a selected washing time, a selected number of washing repetitions, a selected number of agitation or spin cycles, and a number of rinsing repetitions (¶55, 116).

4. The method of claim 1, wherein the appliance is activated by a start signal from a registered subscriber's personal computer or a mobile terminal (¶125-128).

5. The method of claim 1, further comprising: entering a subscriber number and a unique number of an appliance through a communication network; authenticating said subscriber number and said unique number of an appliance; and activating said appliance if said subscriber number and said unique number of an appliance are authentic (¶55-58).

6. The method of claim 1, wherein the user's terminal is a personal computer or a mobile terminal (¶116).

7. The method of claim 1, further comprising sending a for use of the appliance after each use of the appliance to a corresponding subscriber (examiner cannot determine the scope of this limitation).

Claims 8-14 are rejected as above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasajima, in view of Abrams et al. (Abrams), U.S. 6,587,739 B1.

As per claims 15-18, Kasajima discloses method of managing use of a household appliance, namely, a washing machine through a communication network, comprising: receiving information on washing machine usage through the communication network; calculating a charge for use of the washing machine based on the received information; transmitting the

calculated charge to a user's terminal through the communication network (see summary and rejection above). Although Kasajima discloses a charging mechanism and an activation method, it does not explicitly disclose a sensor mechanism that encompasses multiple functional techniques with regards to usage and the household appliance. Abrams teaches remotely controlling household appliances (abstract) via a first network processor for performing remote communication with an external internet network to receive external remote control information (col. 3, lines 17-19 and lines 45-47), first network processor 30 being connected to home network to transmit the receive remote control information to an associated one of household appliances and receive information regarding a current state of each of household appliances to transmit the received state information to external internet network (col. 3, lines 15-25, line 45-50 and lines 58-67), the input of an associated one of household appliances via a power line for receiving remote control information from first network processor and transmitting the state information of the associated household appliance to first network processor (col. 4, lines 4-32). Abrams further discloses a sensor mechanism that transmits signals bi-directionally to an from the household appliance (see figure 17 and associated text). Therefore, it would have been obvious to one of ordinary skill in the art at the time of Kasajima's invention to utilize the specified household appliance utilization benefits in order to further control, determine various charges based on settings and usage of the subscribing customer in order to further improve the efficiency of the remote charge mechanism and method employed.

Claims 19-29 directed to substantially similar subject matter are rejected as above.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent 6,167,358 to Othmer et al.
- USPAP 2002/0073183 A1 to Yoon et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb

